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<b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>		Docket Number (Optional)  <b>CL2061USCNT</b>						
<p>I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>March 22, 2006</u>.</p> <p>Signature: <u>Diane C. Pickering</u></p> <p>Typed or printed name: Diane C. Pickering</p>								
<p>In re Application of <b>Leo Ernest Manzner</b></p> <table border="1"> <tr> <td>Application Number <b>11/051706</b></td> <td>Filed <b>February 04, 2005</b></td> </tr> <tr> <td colspan="2">For <b>PRODUCTION OF 5-METHYL-N-ARYL-2-PYRROLIDONE AND 5-METHYL-N-ALKYL-2-PYRROLIDONE BY REDUCTIVE OF LEVULINIC ACID ESTERS WITH ARYL AND ALKYL AMINES</b></td> </tr> <tr> <td>Art Unit <b>1626</b></td> <td>Examiner <b>STOCKTON, LAURA LYNNE</b></td> </tr> </table>			Application Number <b>11/051706</b>	Filed <b>February 04, 2005</b>	For <b>PRODUCTION OF 5-METHYL-N-ARYL-2-PYRROLIDONE AND 5-METHYL-N-ALKYL-2-PYRROLIDONE BY REDUCTIVE OF LEVULINIC ACID ESTERS WITH ARYL AND ALKYL AMINES</b>		Art Unit <b>1626</b>	Examiner <b>STOCKTON, LAURA LYNNE</b>
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Art Unit <b>1626</b>	Examiner <b>STOCKTON, LAURA LYNNE</b>							
<p>Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.</p>								
<p>The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ <u>500.00</u></p>								
<p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____</p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>04-1928</u>. I have enclosed a duplicate copy of this sheet.</p> <p><input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(e) (PTO/SB/22) is enclosed.</p>								
<p><b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>								
<p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>30,457</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</p>								
<p><u>Gerald E. Deitch</u> Signature</p> <p><b>GERALD E. DEITCH</b> Typed or printed name</p> <p><b>(302) 992-5080</b> Telephone number</p> <p><u>March 22, 2006</u> Date</p>								
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p>								
<p><input type="checkbox"/> Total of _____ forms are submitted.</p>								

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In the Application of:

LEO ERNEST MANZER CASE NO.: CL2061 USCNT

APPLICATION NO.: 11/051,706 GROUP ART UNIT: 1614

FILED: FEBRUARY 4, 2005 EXAMINER: L.L. STOCKTON

FOR: PRODUCTION OF 5-METHYL-N-ARYL-2-PYRROLIDONE AND  
5-METHYL-N-ALKYL-2-PYRROLIDONE BY REDUCTIVE AMINATION OF  
LEVULINIC ACID ESTERS WITH ARYL AND ALKYL AMINES

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

APPEAL BRIEF

APPLICATION NO.: 11/051,706

CASE NO.: CL2061 USCNT

## IX. CONCLUSION

Because neither Shilling nor Dunlop suggests, alone or in combination, the subject matter of the appealed claims, and, in fact, teaches away from it, Appellant submits that the subject matter defined by the appealed claims is patentable over the art of record and requests that the rejections of record be reversed, and that the Examiner be directed to allow these claims.

Respectfully submitted,

*Gerald E. Deitch*

GERALD E. DEITCH  
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FACSIMILE: 302-992-2533

DATE: April 12, 2006